

ted on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2019.

Passed by the House on April 17, 2019: Yeas 123, Nays 19, 2 present, not voting;
passed by the Senate on May 15, 2019: Yeas 31, Nays 0.

Approved May 25, 2019.

Effective September 1, 2019.

CONTINUATION AND FUNCTIONS OF THE TEXAS MILITARY DEPARTMENT

CHAPTER 224

H.B. No. 1326

AN ACT

relating to the continuation and functions of the Texas Military Department.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 437.001(6), Government Code, is amended to read as follows:

(6) "*Director of state administration*" [~~"Executive director"~~] means the administrative head of the department who is responsible for managing the department.

SECTION 2. Section 437.051, Government Code, is amended to read as follows:

Sec. 437.051. SUNSET PROVISION. The department is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished [~~and this subchapter expires~~] September 1, 2031 [2019].

SECTION 3. Section 437.052(b), Government Code, is amended to read as follows:

(b) The adjutant general shall adopt and implement regulations or policies that clearly separate the adjutant general's responsibilities from the administrative responsibilities of the department's [~~executive~~] *director of state administration* and staff.

SECTION 4. Section 437.053, Government Code, is amended to read as follows:

Sec. 437.053. ADJUTANT GENERAL: DUTIES. The adjutant general shall:

(1) perform duties assigned by the governor relating to the military affairs of this state;

(2) assume responsibility for the overall leadership, management, accountability, and operations of the Texas military forces, including the transportation of troops, munitions, military equipment, and property in this state;

(3) *assume responsibility for all administration of the department, including ensuring compliance with applicable state law and priorities and overseeing state employees;*

(4) oversee the preparation of returns and reports required of this state by the United States;

(5) [(4)] maintain a register of all officers of the Texas military forces;

(6) [(5)] publish at state expense, when necessary, state military law and regulations;

(7) [(6)] make available annual reports concerning the Texas military forces;

(8) [(7)] establish reasonable and necessary fees for the administration of this subtitle;

(9) ~~[(8)]~~ employ and arm, as the adjutant general determines appropriate, persons licensed under Title 10, Occupations Code, to protect property that is under the adjutant general's authority and to satisfy applicable security requirements;

(10) ~~[(9)]~~ define and prescribe the kind and amount of supplies, including operational munitions for use in this state, to be purchased for the Texas military forces;

(11) ~~[(10)]~~ prescribe general regulations for the maintenance of supplies and for the transportation and distribution of supplies from the place of purchase to camps, stations, companies, or other necessary places of safekeeping;

(12) ~~[(11)]~~ have supplies, whether the property of the United States or this state, properly cared for and kept in good order and ready for use; and

(13) ~~[(12)]~~ as the adjutant general determines appropriate, sell or destroy property and supplies or exchange property and supplies for other military property and supplies.

SECTION 5. Sections 437.060(a), (b), and (c), Government Code, are amended to read as follows:

(a) A person may not be appointed adjutant general, a deputy adjutant general, a general officer, judge advocate general, or ~~[executive]~~ director of state administration if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the department.

(b) An officer, employee, or paid consultant of a Texas trade association in the field of defense or veterans affairs may not be appointed adjutant general, a deputy adjutant general, a general officer, judge advocate general, or ~~[executive]~~ director of state administration.

(c) A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of defense or veterans affairs may not be appointed adjutant general, a deputy adjutant general, a general officer, judge advocate general, or ~~[executive]~~ director of state administration.

SECTION 6. Section 437.062(b), Government Code, is amended to read as follows:

(b) A deputy adjutant general, general officer, or ~~[executive]~~ director of state administration employed under this chapter is entitled to a salary subject to the classification and salary schedule provisions defined in the General Appropriations Act.

SECTION 7. Section 437.063, Government Code, is amended to read as follows:

Sec. 437.063. ADJUTANT GENERAL: DELEGATION OF EXPENDITURE APPROVAL AUTHORITY. The adjutant general may delegate the authority to approve department expenditures to the ~~[executive]~~ director of state administration.

SECTION 8. Section 437.101, Government Code, is amended to read as follows:

Sec. 437.101. ~~[EXECUTIVE]~~ DIRECTOR OF STATE ADMINISTRATION. (a) The ~~[executive]~~ director of state administration is a senior-level ~~[an]~~ employee of the department and is appointed by and serves at the pleasure of the adjutant general.

(b) Subject to Sections 437.052 and 437.054, the ~~[executive]~~ director of state administration may enter into contracts related to the purposes or duties of the department and may have and use a corporate seal.

(c) The ~~[executive]~~ director of state administration is responsible for the daily administration of the department's state support operations ~~[department]~~ and the operational compliance with the cooperative agreements between the department and the National Guard Bureau.

(d) The adjutant general shall adopt and implement a policy outlining the director of state administration's responsibility for state administrative interests across all department programs, including evaluating procedures for oversight of state employees and mitigating administrative and other compliance risks.

SECTION 9. Section 437.102, Government Code, is amended to read as follows:

Sec. 437.102. DEPARTMENT PERSONNEL. (a) The [executive] director of state administration may hire employees as necessary to carry on the state support operations of the department.

(b) The [executive] director of state administration or the director of state administration's [executive director's] designee shall provide to the adjutant general and to department employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

SECTION 10. Section 437.104, Government Code, is amended to read as follows:

Sec. 437.104. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS.

(a) The [executive] director of state administration shall develop a career ladder program. The program must require intra-agency postings of all non-entry level positions concurrently with any public posting.

(b) The [executive] director of state administration shall develop a system of employee performance evaluations. The system must require that evaluations be conducted at least annually. All merit pay for department employees must be based on the system established under this subsection.

SECTION 11. Section 437.108, Government Code, is amended to read as follows:

Sec. 437.108. TECHNOLOGY POLICY. The department shall develop and implement a policy requiring the [executive] director of state administration and department's employees to research and propose appropriate technological solutions to improve the department's ability to perform its functions. The technological solutions must:

- (1) ensure that the public is able to easily find information about the department on the Internet;
- (2) ensure that persons who want to use the department's services are able to:
 - (A) interact with the department through the Internet; and
 - (B) access any service that can be provided effectively through the Internet; and
- (3) be cost-effective and developed through the department's planning processes.

SECTION 12. Section 437.151(a), Government Code, is amended to read as follows:

(a) The real property advisory council is composed of the following eight members:

- (1) two deputy adjutants general;
- (2) the [executive] director of state administration; and
- (3) five public members who are not actively serving in the Texas National Guard and who have experience in architecture, construction management, engineering, property management, facilities maintenance management, real estate services, or real property law.

SECTION 13. This Act takes effect September 1, 2019.

Passed by the House on April 5, 2019: Yeas 141, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1326 on May 14, 2019: Yeas 137, Nays 0, 3 present, not voting; passed by the Senate, with amendments, on May 3, 2019: Yeas 30, Nays 0.

Approved May 25, 2019.

Effective September 1, 2019.